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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,508	09/30/2003	Vincent J. Zimmer	20002/17584	6044
34431 7590 01/31/2007 HANLEY, FLIGHT & ZIMMERMAN, LLC 150 S. WACKER DRIVE SUITE 2100 CHICAGO, IL 60606			EXAMINER DOAN, TRANG T	
			ART UNIT 2131	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			01/31/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/675,508

Applicant(s)

ZIMMER ET AL.

Examiner

Trang Doan

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Claims 1-26 are pending in this application.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 5-10, 14-18 and 22-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Griffin et al (US 7076655) (hereinafter Griffin).
4. Regarding claim 1, Griffin teaches method of booting a processor system, the method comprising: accepting a selection of a desired operating system to be booted (Griffin: see figure 1, column 5 lines 56-67 and column 10 lines [25-31 and 43-45]: a computing platform has a plurality of discrete computing environments); accepting a user credential associated with a user who has selected the desired operating system to be booted (Griffin: column 5 lines 42-50, column 10 lines [1-10, 43-45 and 53-58] and column 12 lines 12-22); determining if the user credential corresponds to the desired operating system to be booted (Griffin: see figure 7, column 10 lines 43-52 and column 11 lines 33-36); and enabling booting of the desired operating system if the user

credential corresponds to the desired operating system (Griffin: column 12 lines 45-54 and column 14 lines 39-67).

5. Regarding claims 5, 14 and 22, Griffin teaches wherein the user credential comprises one or more of a salted password, a portable token, and biometric information (Griffin: column 5 lines 42-50 and column 10 lines 1-15).

6. Regarding claims 6, 15 and 23, Griffin teaches wherein determining if the user credential corresponds to the desired operating system to be booted comprises determining if the user credential corresponds to a credential from a platform owner (Griffin: column 11 lines 33-36 and column 16 lines [14-22 and 45-54]).

7. Regarding claims 7, 16 and 24, Griffin teaches determining if a trusted boot is disabled and booting the desired operating system if the trusted boot is disabled even if the user credential does not correspond to the desired operating system (Griffin: column 5 lines 9-25).

8. Regarding claim 8, Griffin teaches enabling a platform owner to modify a list of user credentials and the desired operating systems to which they correspond (Griffin: column 8 lines 47-53 and column 9 lines 7-18).

9. Regarding claims 9, 17, Griffin teaches determining if a platform owner has been established and enabling a user to enter a platform owner credential if no platform owner has been established (Griffin: column 10 lines 59-67 and column 11 lines 1-12 and column 13 lines 43-65).

10. Regarding claim 10, this claim has limitations that is similar to those of claim 1, thus it is rejected with the same rationale applied against claim 1 above.

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11. Regarding claim 18, this claim implements claim 1 and this it is rejected with the same rationale applied against claim 1.

12. Regarding claim 25, Griffin teaches an apparatus to control selection of operating system booting the apparatus comprising: a permissions table storing user credentials and boot objects corresponding to the user credentials (Griffin: see figure 3, column 8 lines 34-46 and column 11 lines 1-12); and a user verification segment coupled to the permissions table and accepting a selection of a desired operating system to be booted and further accepting a submitted user credential associated with a user who has selected the desired operating system to be booted, the user verification segment determining if the submitted user credential is authorized to boot the desired operating system (Griffin: column 5 lines 42-50, column 10 lines [1-10, 43-45 and 53-58] and column 12 lines 12-22).

13. Regarding claim 26, Griffin teaches wherein the user verification segment returns an address of the desired operating system if the submitted user credential is authorized to boot the desired operating system (Griffin: column 12 lines 45-54 and column 14 lines 39-67).

### ***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 2-4, 11-13 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Griffin in view of Fish et al. (US 2003/0110370) (hereinafter Fish).

16. Regarding claims 2, 11 and 19, Griffin does not explicitly disclose a legacy operating system. Fish teaches determining if the desired operating system comprises a legacy operating system (Fish: paragraphs [0007, 0013 and 0015]). Therefore, it would have been obvious to one ordinary skill in the art to apply the teaching of the legacy operating system of Fish into Griffin's system to use application program interface in which software that uses firmware routines is dependent upon firmware implementation detail because a large number of resources have been designed under this traditional (system level resources, which are initiated, configured and services by the firmware) paradigm and are thus dependent upon a legacy boot process. Because of these sunk costs, it may be desirable to have new legacy-free computing environments support such legacy boot processes (Fish: paragraph [0007]).

17. Regarding claims 3, 12 and 20, Griffin does not explicitly disclose a legacy operating system. Fish teaches wherein if the desired operating system comprises a legacy operating system, a basic input/output system (BIOS) boot specification determines a boot object for the desired operating system (Fish: paragraphs [0007, 0013, 0015 and 0043]). Therefore, it would have been obvious to one ordinary skill in the art to apply the teaching of the legacy operating system of Fish into Griffin's system to use application program interface in which software that uses firmware routines is dependent upon firmware implementation detail because a large number of resources have been designed under this traditional (system level resources, which are initiated,

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configured and services by the firmware) paradigm and are thus dependent upon a legacy boot process. Because of these sunk costs, it may be desirable to have new legacy-free computing environments support such legacy boot processes (Fish: paragraph [0007]).

18. Regarding claims 4, 13 and 21, Griffin does not explicitly disclose a non-legacy operating system. Fish teaches wherein if the desired operating system does not comprise a legacy operating system, a boot next variable option boot object indicates a location of the desired operating system (Fish: paragraphs [0016, 0019 and 0033]). Therefore, it would have been obvious to one ordinary skill in the art to apply the teaching of the non-legacy operating system of Fish into Griffin's system to use an API in which software that uses firmware routines is not dependent upon firmware implementation detail because a large number of resources have been designed under this traditional (system level resources, which are initiated, configured and services by the firmware) paradigm and are thus dependent upon a legacy boot process. Because of these sunk costs, it may be desirable to have new legacy-free computing environments support such legacy boot processes (Fish: paragraph [0007]).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trang Doan whose telephone number is (571) 272-0740. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Trang Doan  
Examiner  
Art Unit 2131

T.D.  
01/25/2007

CHRISTOPHER REVAK  
PRIMARY EXAMINER

